

MAY 4 - 1995

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of :  
Request Amendment of Part 97 of the :  
Commission's Rules to Eliminate Certain : RM-8626  
One-Way Communications in the Amateur :  
Radio Service Medium and High Frequency Bands :  
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RESPONDENT GEORGE J. NIXON, JR's OBJECTIONS  
TO THE PETITION OF FREDERICK O. MAIA ABOVE

The above enumerated Petition by Frederick O. Maia, W5YI, requests the Commission to amend Part 97 Rules to eliminate those provisions which permit one-way information bulletins and International Code practice on frequencies below 30 MHz. The reason given by Maia is that such transmissions do not meet 1995 criteria and have outlived their usefulness in the 20th Century.

The Respondent

The Respondent, George J. Nixon, Jr., has been an amateur radio operator since 1977, with the FCC assigned callsign N9EJS, and holding a General Class license. From the outset, he personally gained proficiency in International Morse Code, and increased his receiving speed through listening to the Code Practice Bulletins from the American Radio Relay League (ARRL) station, W1AW, in Newington, CT, in order to enable him to pass the required code test for his class license.

In 1950, he was awarded a Code Proficiency Certificate by W1AW. Even after being licensed, he continued to monitor W1AW for radio propagation reports and information, as well as other items of inter-

est to amateur radio operators. In that respect, together with the teaching that the W1AW code practice afforded him, he has found, and continues to find the W1AW bulletins, information and code practice of inestimable value in the further pursuit of his hobby.

### The Objections to the Petition

An important effect of granting Petitioner's request, would be to silence the transmission of one-way information bulletins and International Morse code practice conducted by the ARRL on the following approximate frequencies below 30MHz: 1.818, 1.855\*, 3.5815, 3.999\*, 7.0475, 7.290\*, 14.0475, 14.290\*, 18.0975, 18.160\*, 21.0675, and 21.390\* and 28.590\*MHz.<sup>1</sup> These frequencies and times of the W1AW transmissions are regularly published in the monthly QST magazine, and are well known. ARRL has conducted these code practice and bulletins transmissions for many years.

Maia's petition requests the Commission move the code practice sessions, bulletins and information items above 30MHz because, he says, all that has lost its usefulness to the amateur radio community.

If Maia is correct, why move them at all? Why not just eliminate them altogether?

Apparently, the Maia petition is not quite sure that it wants the code practice sessions and bulletins totally muted, since he suggests that they be moved above 30MHz. Thus, the petition is fatally defective in its main thrust and should be considered specious in all its demands.

Nevertheless, granting Maia's petition would cause the informative bulletins and code practice sessions to be moved above 30MHz.

(\*) - Voice bulletin transmission frequencies.

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- 1 - Code practice sessions are transmitted four times daily Tuesdays through Fridays, and three times daily Saturdays through Mondays. Code Bulletins and teleprinter bulletins are transmitted four times daily Tuesdays through Fridays, and 3 times daily Saturdays through Mondays. Voice bulletins are transmitted twice daily.

The amateur bands above 30MHz presently most in use are: 50-54MHz, 144-148MHz, 222-225MHz and 420-450MHz. The indigenous characteristics of these bands make them unreliable for every day, moderate to long distance, communications. Their characteristics usually limit their effective communication ranges to line-of-sight or the horizon.<sup>2</sup> In that regard, the bands below 30MHz are completely different and present no such limitations.

Therefore, Maia's suggested move to above 30MHz would deprive many amateur radio operators and would-be operators like those studying for their license, of this extremely valuable and important, quite free service, because of their inability to receive it.

Next, his extended harangue in favor of a move above 30MHz, because the radio bulletins and code practice sessions provoke anger and unmannerly conduct on the ham airwaves, even obscene remarks from those who wish to use those frequencies and find them occupied, is a nonsequitur. You don't discontinue a good service, merely because some others wish to use those frequencies! And his further opinions that the objectionable conduct will in some manner either contaminate, discourage or even upset young and impressionable would-be-hams, are all totally specious.

Your Respondent is certain the Commission is well acquainted with present day gross manners, improper language, even obscene terminology which has permeated the airwaves not only in the amateur radio service, but radio and TV broadcasts, down to the ordinary conversation level.

Such conduct is today an unfortunate part of our society's psyche. It can then be understood that it will also be a part of the amateur radio service which draws its members from the general populace, a part of which is that part of society.

To blame such conduct on the ham radio bulletins and code practice sessions is to be naive to the point of being ridiculous. The situation is nation-wide. It permeates our society from top to bottom in all means of communication: the media, the entertainment world, the

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2 - W1AW also presently transmits code practice, bulletins, teleprinter and void bulletins on 147.555MHz on the same schedule as mentioned for other frequencies hereinabove.

radio, TV books and conversation. So it would be almost impossible for the ham airwaves to be immune.

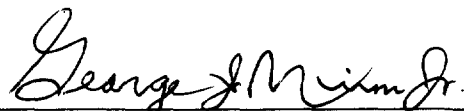
However, neither the Commission nor decent amateur radio operators approve or condone such conduct. The Commission has of late taken a hard stand against such conduct which is illegal; and issued a number of high-figure NALs, etc. in its efforts to contain and eventually to erase this "cancer" from the airwaves.

#### Conclusion

It is quite clear that for the most part, Maia's reasons for his petition are specious. Because in the opinion of this Respondent, which he firmly believes is shared by a vast majority of the amateur radio operators, as well as those who aspire to be licensed as such, the code practice sessions, bulletins of information the amateur radio community and even the so-called "Bulletin Boards," perform a most valuable and important service that should neither be interrupted, shut down or moved.

For the above reasons, your Respondent respectfully requests that the Frederick O. Maia's petition be denied and/or dismissed.

Respectfully submitted,



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May 1, 1995